

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(SOUTHERN DIVISION)**

)	
Jose Hernandez, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. TDC 19-0984 (Lead Case)
)	
Microfit Auto Parts, Inc., et al.,)	
)	
Defendants.)	
)	

**AMENDMENT TO REPORT AND RECOMMENDATIONS RELATED TO
JOINT MOTION TO APPROVE SETTLEMENT AGREEMENT AND JOINT MOTION TO
WITHDRAW ACCEPTANCES OF OFFERS OF JUDGMENT**

This amendment to the Report and Recommendations (“Amendment”) previously filed corrects an error made when resolving the “Joint Motion to Approve FLSA Settlement” (ECF No. 85) (“Joint Settlement Motion”), and the “Joint Motion to Withdraw Acceptances of Offers of Judgment” (ECF No. 86) (“Withdrawal Motion”). These motions were filed by Defendants Microfit Auto Parts, Inc., Inder Bian, Kamiljit Bian, and Shanthan Reddy (“Defendants”), and eight Plaintiffs, namely: Alfredo Serra Andujar, Remberto “Wilson” Argueta, Oscar Flores, Jeffrey Gochez, Marvin Marquez, Luis A. Mendez-Payes, Oscar Esquivel Rivera, and Roberto Valladares (“Settlement Plaintiffs”).

Pursuant to 28 U.S.C. § 636, and Local Rule 301.5(b), the Honorable Theodore D. Chuang referred the Joint Settlement Motion and Withdrawal Motion to me to issue a report and make recommendations. (ECF No. 87). On April 8, 2021, the undersigned issued a “Report and Recommendations,” related to the Joint Settlement Motion and Withdrawal Motion. (ECF No. 94). In that Report and Recommendations, the undersigned recommended that the district court grant and approve both motions, and award \$237,787.85 to the Settlement Plaintiffs and \$93,500

in attorney's fees and costs to counsel for the Settlement Plaintiffs. (ECF No. 94, pp. 11-12). The undersigned also recommended that the Clerk of the Court enter judgment against Defendants in the aforementioned amounts.

The recommendation to enter judgment against the Defendants in those amounts was an error. There is nothing in the Joint Settlement Motion, the Withdrawal Motion, or the attachments related thereto that makes that request.

Accordingly, I respectfully file this Amendment, wherein I recommend that the district court **GRANT AND APPROVE** the "Joint Motion to Approve FLSA Settlement" (ECF No. 85), and **GRANT** the "Joint Motion to Withdraw Acceptances of Offers of Judgment" (ECF No. 86). I further recommend that:

1) Consistent with the settlement agreement signed by the parties (*see* ECF No. 85-2),

Defendants be required to pay **\$237,787.85** to the Settlement Plaintiffs, as follows:

- a. Alfredo Serra Andujar: \$26,770.73;
- b. Remberto "Wilson" Argueta: \$66,954.30;
- c. Oscar Flores: \$12,674.24;
- d. Jeffrey Gochez: \$9,437.80;
- e. Marvin Marquez: \$9,445.55;
- f. Luis A. Mendez-Payes: \$57,890.16;
- g. Oscar Esquivel Rivera: \$17,837.53;
- h. Roberto C. Valladares: \$36,777.05

- 2) Consistent with the settlement agreement signed by the parties (*see* ECF No. 85-2), Defendants be required to pay **\$93,500** to counsel for the Settlement Plaintiffs, Hoffman Employment Law, LLC;
- 3) That the district court retain continuing jurisdiction over this settlement for a period of time not to exceed 75 days after the date that this Amendment to the Report and Recommendations is filed. Thereafter, the part of the case pertaining to the Settlement Plaintiffs and Defendants shall be dismissed **with prejudice**.

Dated: April 20, 2021

/s/
The Honorable Gina L. Simms
United States Magistrate Judge